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**To:** [Keating, Cochran](#)  
**Subject:** 3 Firms Steer \$1.6B Cimarex Deal For Energy Co. Resolute  
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Law360 Energy



ENERGY

Tuesday, November 20, 2018



## TOP NEWS

### 3 Firms Steer \$1.6B Cimarex Deal For Energy Co. Resolute

Cimarex Energy Co. on Monday said it will take over fellow Denver-based oil and gas acquisition and exploration company Resolute Energy Corp. in a \$1.6 billion deal, with Akin Gump Strauss Hauer & Feld LLP guiding the buyer and Arnold & Porter and Wachtell Lipton Rosen & Katz steering the seller. [Read full article »](#)

### 'Inveterate Con Man' Gets 12 Yrs For \$4.4M Bank Loan Scam

A Manhattan federal judge hit a convicted fraudster with 12 years in prison Monday for tricking an affiliate of the Industrial and Commercial Bank of China into sending him \$4.4 million for an oil and gas venture that turned out to be bogus, calling him an "inveterate con man." [Read full article »](#)

### Engineering Co. Owner Must Pay \$917K To Investor He Duped

A Texas federal jury has found that the owner of an industrial engineering company duped an investor into sinking money into the company's shares and awarded her \$917,000 in damages, but cleared an attorney of responsibility for the fraud. [Read full article »](#)

### EPA Regional Head Resigns, Citing 'Unfounded Charges'

The head of the U.S. Environmental Protection Agency's Southeastern regional office has resigned after an Alabama grand jury indicted him this month on ethics charges, including the use of his office for personal gain, according to Monday media reports. [Read full article »](#)

### Latham & Watkins Steers QEP's \$735M Gas Asset Sale

QEP Resources Inc., led by Latham & Watkins LLP, said Monday it will sell a handful of natural gas- and oil-producing properties and other assets to private investment firm Aethon Energy for \$735 million, the energy company's latest divestiture as it looks to reposition itself. [Read full article »](#)

## NATURAL GAS

### Calif. Panel Asks Lower Court To Justify Gas Leak Plea Deal

A California state appellate court has ordered a lower court to explain why a decision denying restitution should not be struck down as violating the constitutional rights of residents living near a record-setting natural gas leak that went on for nearly four months who claim that they were shut out of a plea agreement between the gas company and the state. [Read full article »](#)

### Pipeline Valve Maker Slips Buyer's Deceptive Practices Claim

Pipeline valve maker Maverick International Ltd. has won dismissal of a deceptive practices claim in a suit in Texas federal court alleging it caused more than \$750,000 in damages by selling a company faulty valve parts for a natural gas pipeline project. [Read full article »](#)

## PETROLEUM

### Dutch Decision Doesn't Bolster Kazakh Appeal, DC Circ. Told

## Law360 Pro Say Podcast



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## COMPANIES

Adams Street Partners LLC  
American Bar Association  
American DG Energy Inc.  
Apple Inc.  
Ascom Holding AG  
Cable News Network Inc.  
Callon Petroleum Co.  
Center for Biological Diversity  
Chicago Cubs  
China International Capital Corporation Ltd.  
Cimarex Energy Co.  
Consilio LLC  
Credit Suisse Group AG  
Drummond Company Inc.  
Federalist Society  
Industrial & Commercial Bank of China Ltd.  
Jefferies Financial Group Inc.  
LinkedIn Corp.  
Natural Resource Partners LP  
New York Times Co.  
NextEra Energy Inc.  
Pymetrics Inc.  
QEP Resources Inc.  
Resolute Energy Corp.  
Saudi Arabian Oil Co.  
Sierra Club  
Solus Alternative Asset Management LP

A recent Dutch court ruling doesn't lend weight to Kazakhstan's claims that an over \$500 million arbitral award against it was tainted by fraud, two Moldovan oil and gas investors told the D.C. Circuit on Monday, saying the decision actually holds that the country hasn't made its case at this point. [Read full article »](#)

### **Oil Employment Service Says Trade Secrets Suit Should Stay**

A Texas energy company told a federal court on Friday not to toss a corporate espionage suit, arguing that a jury should decide whether or not the allegedly stolen information qualifies as a trade secret. [Read full article »](#)

### **Deals Rumor Mill: Saudi Aramco, Careem Networks, Solus**

Saudi Aramco is reportedly abandoning plans to issue up to \$40 billion in bonds to fund the acquisition of a petrochemical business, Careem Networks is mulling its options and could be worth up to \$2.5 billion in a sale, and Solus plans to raise \$750 million for a new fund. [Read full article »](#)

## **UTILITIES & POWER**

### **2nd Circ. Won't Take New Look At EPA Cooling Water Ruling**

The Second Circuit has declined a request by a coalition of environmental groups to revisit a decision that upheld the U.S. Environmental Protection Agency's rule requiring power plants and manufacturers to minimize damage to aquatic life caused by the intake of water. [Read full article »](#)

### **3 Firms Lead NextEra's \$1B Underwater Utility Cable Buy**

NextEra Energy Inc. on Monday said a subsidiary will buy a California underwater electric transmission cable in a \$1 billion deal with a fund controlled by asset manager Steelriver Infrastructure Partners LP, with Pillsbury Winthrop Shaw Pittman LLP and Ellison Schneider Harris & Donlan LLP steering the buyer and Winston & Strawn LLP representing the seller. [Read full article »](#)

### **Hatsopoulos Bros. Beat Investor Suit Over Energy Co. Merger**

A prominent engineer and his business-minded brother dodged a proposed investor class action on Friday when a Massachusetts federal judge ruled that the shareholders failed to back up their remaining breach of fiduciary duty claims in a suit alleging they were shortchanged in a 2016 merger between the brothers' energy-technology companies. [Read full article »](#)

## **COAL**

### **DOI Says Move To Lift Coal Leasing Ban Didn't Violate NEPA**

The U.S. Department of the Interior has reiterated its argument to a Montana federal court that its move to lift a moratorium on federal coal leasing did not violate any environmental laws, saying the action did not cause the environmental and Native American groups that sued any direct harm. [Read full article »](#)

### **Enviro Groups Sue To Save W.Va. Ridgeline From Coal Co.**

A coalition of environmental groups asked a West Virginia federal court on Thursday to stop Republic Energy LLC from undertaking coal mining activities on one of the last Coal River Mountain ridgelines, saying the company lacks a valid mining permit. [Read full article »](#)

### **Swiss Co. Gets Costs For Arbitration Bid In Coal Dispute**

An Australian court has ordered a Japanese tourism and trading company to cover the costs a Swiss trading and shipping corporation incurred in its successful pursuit of arbitration in a coal supply dispute, saying their contract clearly contained an arbitration provision. [Read full article »](#)

### **Vinson & Elkins Leads NRP's \$205M Sale Of Materials Biz**

Vinson & Elkins LLP guided Natural Resource Partners LP in its \$205 million sale of NRP's construction materials business, VantaCore Partners LLC, to

Southern California Gas Co.  
State Bar of California  
Sun Capital Partners Inc.  
Trilantic Capital Partners LLP  
Uber Technologies Inc.  
Unilever Plc  
Virgin Group Ltd.

## **LAW FIRMS**

Akin Gump  
Arnold & Porter  
Balch & Bingham  
Barnes & Thornburg  
Berman Tabacco  
Block & Leviton  
Cravath Swaine  
Earthjustice  
Ellison Schneider  
Eversheds Sutherland  
Foley & Lardner  
Fried Frank  
Grignon Law Firm  
Hogan Lovells  
Hunton Andrews Kurth  
John Gerard & Associates  
K&L Gates  
King & Spalding  
Kirkland & Ellis  
Latham & Watkins  
McDermott Will  
Monteverde & Associates  
Morgan Lewis  
Norton Rose Fulbright  
O'Melveny & Myers  
Orrick Herrington  
Parris Law Firm  
Pillsbury Winthrop  
Rajah & Tann  
Reaud Morgan  
Schlanger Silver  
Sidley Austin  
Sullivan & Worcester  
Super Law Group LLC  
Vinson & Elkins  
Vorys Sater  
Wachtell Lipton  
Weil Gotshal  
Weycer Kaplan  
Winston & Strawn  
Wolf Popper  
Ziontz Chestnut

## **GOVERNMENT AGENCIES**

Alabama Department of

an affiliate of private equity firm Sun Capital Partners Inc., the law firm said Monday. [Read full article »](#)

## LEGAL INDUSTRY

### Cravath Keeps Steady On Bonuses For Another Year

Cravath Swaine & Moore LLP announced end-of-year bonuses for associates on Monday that are consistent with those of previous years, the first of a likely string of similar announcements from BigLaw firms.

[Read full article »](#)

### Law Firm Innovation Heads Say Clients Tepid On LegalTech

Law firms are developing and implementing a wide range of legaltech solutions designed to boost the efficiency of internal processes and provide new legal services, but the surge in innovation is not necessarily being driven, or even noticed, by clients, according to a new report released on Monday. [Read full article »](#)

### BigLaw Firm Adopts New Hiring Software To Improve Diversity

O'Melveny & Myers LLP announced Monday that it has adopted new technology it says will reduce implicit bias in its hiring process and improve diversity by making use of neuroscience and artificial intelligence to assess candidates "on their potential, not pedigree." [Read full article »](#)

#### Analysis

### Is The High Court In Damage Control Mode?

Members of the U.S. Supreme Court have sought in recent days to preserve the court's reputation as a nonpartisan institution on the heels of one of the most bitter confirmation fights in decades, insisting through interviews and other public appearances that their work will be unaffected by the partisan uproar over Justice Brett Kavanaugh's appointment. [Read full article »](#)

### Senate Dems Sue To Oust Acting AG Whitaker

A group of Senate Democrats sought to oust acting Attorney General Matthew Whitaker from his post in a lawsuit filed Monday in Washington, D.C., arguing that his appointment violates the Constitution.

[Read full article »](#)

### Calif. Bar Exam Pass Rate Keeps Tumbling, Hits Record Low

Only 40.7 percent of those who took the California bar exam this summer passed, according to recently released data, continuing a decline that's vexed Golden State officials and hitting a low not seen since 1951.

[Read full article »](#)

#### Interview

### 15 Minutes With Adams Street Partners' General Counsel

Timothy Bryant had no plans to set off on a new career path after working his way up to become a partner at McDermott Will & Emery LLP, but after being recruited by a client he landed the role of general counsel for Adams Street Partners, showing that fresh opportunities can exist for any hardworking lawyer who has proven their worth. [Read full article »](#)

### Legal Tech Download: Orrick's Fund And Eversheds' App

The world of legal technology is evolving quickly, with new products coming to market in rapid succession. Here, Law360 takes a look at six recent developments. [Read full article »](#)

## JOBS

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### Patent Litigation Associate (Boston, MA Office)

McCarter & English, LLP  
Boston, Massachusetts

Environmental Management  
Bureau of Land Management  
California Public Utilities  
Commission  
California Supreme Court  
Federal Energy Regulatory  
Commission  
Fish and Wildlife Service  
Los Angeles County District  
Attorney's Office  
National Marine Fisheries Service  
Northern Cheyenne Tribe  
Securities and Exchange  
Commission  
U.S. Attorney's Office  
U.S. Department of Justice  
U.S. Department of the Interior  
U.S. Environmental Protection  
Agency  
U.S. Supreme Court

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**From:** [Energy Law360](#)  
**To:** [Keating, Cochran](#)  
**Subject:** Better Together Is The Energy M&A Theme Of 2018  
**Date:** Monday, December 10, 2018 3:21:41 AM

Law360 Energy



ENERGY

Monday, December 10, 2018



## TOP NEWS

### Feature

#### Better Together Is The Energy M&A Theme Of 2018

Consolidation hit the oil and gas sector full-bore this year with multibillion-dollar tie-ups between drillers and tax and regulatory-driven roll-ups of midstream companies, while the appetite for renewable energy assets continued to grow. Here are five M&A trends that stood out to energy attorneys in 2018. [Read full article »](#)

#### Nexus Can Access Land For Pipeline Work, 6th Circ. Says

A Sixth Circuit panel on Friday agreed with a lower court that gave Nexus Gas Transmission LLC quick access to landowners' properties in Ohio so that it could proceed with pipeline construction in a timely way.

[Read full article »](#)

#### Vt. Lets Entergy Transfer Nuke Plant To Demolition Firm

Vermont utility regulators on Thursday approved a plan for Entergy Corp. to transfer a shuttered nuclear plant to a large-scale demolition firm with the goal of speeding up the decommissioning process, despite environmentalists' concerns that the company may not be up to the job.

[Read full article »](#)

#### MVP: Simpson Thacher's David Lieberman

David Lieberman of Simpson Thacher & Bartlett LLP has been involved in several high-profile energy cases, including representing Vistra Energy Corp. in a \$20 billion merger with Dynegy Inc. and helping Global Infrastructure Partners acquire NRG Energy's renewable energy business, landing him among Law360's 2018 Energy MVPs. [Read full article »](#)

## SERIES SPOTLIGHT

#### Data-Driven Lawyer: Morgan Lewis' J. Kyle Poe

Morgan Lewis' J. Kyle Poe, a self-proclaimed "elder millennial," created a client management platform to streamline the firm's work in asbestos litigation that is now used across practice areas, making the firm's business more efficient and upping its ability to attract clients through innovative fee arrangements, earning him a spot on our 2018 list of Data-Driven Lawyers.

[Read full article »](#)

## NATURAL GAS

#### Pipeline Contractor Says EQT Skipped Bill On Spill Cleanup

A pipeline construction contractor filed a lawsuit in Pennsylvania state court Thursday claiming that EQT Gathering LLC is refusing to pay a nearly \$2 million bill for cleaning up another company's spill on its construction site.

[Read full article »](#)

## PETROLEUM

#### Ohio Mineral Owners Say Oil & Gas Drillers Dug Too Deep

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### COMPANIES

1-800 Contacts Inc.  
American Bar Association  
American Civil Liberties Union  
Apache Corp.  
AstraZeneca  
Bank of America Corporation  
CUNA Mutual Group  
Chicago Bulls  
Cimarex Energy Co.  
Concho Resources Inc.  
Conservation Law Foundation  
Consolidated Edison Inc.  
Consumer Attorneys of California  
Dynegy Inc.  
EQT Corp.  
Electronic Frontier Foundation  
Energy Transfer Equity LP  
Energy Transfer Partners LP  
Enlink Midstream Partners LP  
Entergy Corp.  
First Interstate BancSystem Inc.  
Gilead Sciences Inc.  
GlaxoSmithKline  
Global Atlantic Financial Group Ltd.  
Global Infrastructure Partners  
Google Inc.  
Home Box Office Inc.  
Honeywell International Inc.

A group of mineral owners has filed a proposed class action in Ohio federal court that alleges an ExxonMobil unit and other companies drilled in an area they had no permission to access. [Read full article »](#)

### **Corps, Dakota Access Say Tribes Didn't Obey Order**

The U.S. Army Corps of Engineers and Dakota Access LLC said that several Native American tribes had failed to follow a D.C. federal judge's order to spell out what claims they plan to continue with in their challenge to the Dakota Access pipeline, as the tribes contended that the record in the case should be fleshed out first. [Read full article »](#)

### **Carpatsky Gets Final OK For \$147M Award In Oil Deal Dispute**

A Texas federal judge has finalized his judgment confirming U.S.-based Carpatsky Petroleum Corp.'s \$147 million arbitration award against Ukrainian company OJSC Ukrnafta over a soured oil and gas development deal, after allowing the latter to drop some of its remaining claims and severing the allegations it still wants to pursue. [Read full article »](#)

### **Offshore Driller Seeks Ch. 15 Amid Brazilian Restructuring**

Brazilian offshore oil driller Servicos de Petroleo Constellation Friday asked a New York bankruptcy court to recognize the reorganization proceedings it said it has launched in Brazil to reduce its \$1.5 billion in debt in the face of a sustained business downturn. [Read full article »](#)

## **UTILITIES & POWER**

### **Miss. High Court Nixes Expert Opinion In \$450M Valuation Row**

A Mississippi circuit court was correct in excluding expert testimony sought by a power company attempting to lower the value of its power plant by up to \$450 million, the Mississippi Supreme Court has found. [Read full article »](#)

## **RENEWABLES**

### **German Power Giant To Allow More Danish Energy After Probe**

The largest high-voltage electricity transmitter in Germany will let in more energy from Denmark suppliers to end a European Commission investigation that it choked the supply of cheap Nordic electricity in favor of German-produced power, regulators said Friday. [Read full article »](#)

## **EXPERT ANALYSIS**

### **Will High Court Avoid Deadlock In Lorenzo?**

Oral argument in Lorenzo v. U.S. Securities and Exchange Commission revealed clear divisions within the U.S. Supreme Court on the type of conduct that forms the basis of liability under Rule 10b-5, say attorneys with Alston & Bird LLP. [Read full article »](#)

## **LEGAL INDUSTRY**

### **Kirkland & Ellis Chairman To Retire, Successor Named**

Kirkland & Ellis LLP's longtime chairman Jeffrey Hammes will retire in early 2020 and will be replaced by Jon Ballis, a Chicago-based private equity partner and member of the firm's global management executive committee, according to a Friday internal memo obtained by Law360. [Read full article »](#)

#### **Feature**

### **Bar Orgs In The Crosshairs After Justices Revive Dues Case**

The U.S. Supreme Court created an existential threat for mandatory state bar associations when it recently ordered a fresh look at whether their required dues are constitutional, a move that could lead to a decline in bar membership depending on the outcome of the case. [Read full article »](#)

Janus Henderson Group PLC  
Kinder Morgan Inc.  
Kirkland's, Inc.  
Lands' End Inc.  
Leadership Council on Legal Diversity  
LexisNexis Group  
Marriott International Inc.  
Morgan Stanley  
NRG Energy Inc.  
National Basketball Association  
Newfield Exploration Co.  
NextEra Energy Inc.  
PhRMA  
Plains All American Pipeline LP  
Reed Elsevier  
Resolute Energy Corp.  
Sempra Energy  
Starwood Hotel & Resorts  
Worldwide Inc.  
State Bar Association of North Dakota  
Stoneridge, Inc.  
The Southern Company Inc.  
Twitter Inc.  
Verizon Communications Inc.  
ViroPharma Incorporated  
Vistra Energy Corp.  
Wal-Mart Stores Inc.  
Washington State Bar Association  
Wayfair LLC  
Wells Fargo & Co.  
Xcel Energy Inc  
Yahoo! Inc.

## **LAW FIRMS**

Alston & Bird  
Baker McKenzie  
BakerHostetler  
Barclay Damon  
Bricker & Eckler  
Covington & Burling  
DLA Piper  
Dechert  
Dingess Foster  
Earthjustice  
Fredericks Peebles  
Gibson Dunn  
Haynes and Boone  
Hilder & Associates  
Hobbs Straus  
Jenner & Block  
Kilpatrick Townsend  
Kirkland & Ellis



## Legal Industry Sheds 2,400 Jobs, Wiping Out Year's Gains

The legal services sector lost 2,400 jobs in November, the steepest single-month drop in 2018, erasing virtually all of the gains made throughout the year, according to data released Friday by the U.S. Bureau of Labor Statistics. [Read full article »](#)

## BigLaw Revenues On Track For Banner Year, Wells Fargo Says

The legal industry is poised to have its most successful year since the 2008 economic downturn, with revenue up among top firms through the first three quarters, a report from Wells Fargo Private Bank's legal specialty group predicts. [Read full article »](#)

## Kirkland Nixes Forced Arbitration For Non-Attorney Staff

Kirkland & Ellis LLP told employees it would end its policy of requiring arbitration to settle employment disputes for all non-attorney staff, according to a memo obtained Friday by Law360 and following public pressure mounted by a group of Harvard Law School students. [Read full article »](#)

## Trump Picks Kirkland's William Barr For AG

President Donald Trump named Kirkland & Ellis LLP attorney William Barr as his pick to replace former Attorney General Jeff Sessions Friday, setting Barr up to reprise the role he served under late President George H.W. Bush. [Read full article »](#)

## Trump Trial Court Pick Unlikely To Get Vote, Grassley Says

President Donald Trump's choice for a North Carolina federal judgeship will likely be sent back to the White House after prospects for confirmation this year dwindled to nil, the head of the Senate Judiciary Committee said. [Read full article »](#)

## Trump Unlikely To Defy 'So-Called Judges,' Prof Argues

A recent paper by a William & Mary law professor argues that, despite charged rhetoric from the Trump administration, including the president's personal attacks on judges, the federal government has thus far complied with judicial orders and is likely to continue to do so. [Read full article »](#)

## Tesla Taps Williams & Connolly Chairman To Take GC Reins

Williams & Connolly LLP chairman Dane Butswinkas will become the new general counsel at Tesla Inc., moving in-house after a decadeslong career at the prestigious Washington, D.C., firm, the automaker announced Thursday. [Read full article »](#)

## Belgian Busted In Scheme To Dupe US Law Firms, Charities

A Belgian national who was indicted by a federal grand jury for a scheme to convince law firms and charities to wire him money was arraigned in Boston federal court Friday, 22 months after a warrant was issued for his arrest. [Read full article »](#)

### Feature

## GC Cheat Sheet: The Hottest Corporate News Of The Week

More than a dozen privacy groups doubled down on efforts to persuade California lawmakers to refrain from watering down a landmark privacy law, the District of Columbia gave final approval to a post-Wayfair tax law, and the Marriott hack showed the risks of cyber diligence gaps in mergers. These are some of the stories in corporate legal news you may have missed in the past week. [Read full article »](#)

## In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read full article »](#)

### Podcast

Marshall Dennehey  
Michael Best  
Modus Law  
MoloLamken LLP  
Morgan Lewis  
Munger Tolles  
Norton Rose Fulbright  
Ogletree Deakins  
Orrick Herrington  
Shuman McCuskey  
Sidley Austin  
Simpson Thacher  
Tucker Ellis  
Watkins & Eager  
Weil Gotshal  
White & Case  
Williams & Connolly  
Winston & Strawn  
Yetter Coleman

### GOVERNMENT AGENCIES

Army Corps of Engineers  
Bureau of Labor Statistics  
Cheyenne River Sioux Tribe  
Equal Employment Opportunity Commission  
European Commission  
Federal Energy Regulatory Commission  
Federal Trade Commission  
Food and Drug Administration  
Internal Revenue Service  
Mississippi Department of Revenue  
National Labor Relations Board  
National Transportation Safety Board  
Nuclear Regulatory Commission  
Oglala Sioux Tribe  
Securities and Exchange Commission  
Standing Rock Sioux Tribe  
U.S. Army  
U.S. Attorney's Office  
U.S. Department of Energy  
U.S. Department of Justice  
U.S. Department of State  
U.S. Patent and Trademark Office  
U.S. Supreme Court  
United States District Court for the Southern District of New York

## Law360's Pro Say: The Copy-Paste Case That Led To Fraud

Can you be held liable for securities fraud if you simply copy-and-paste someone else's false statements? The U.S. Supreme Court wrangled with that question this week, and reporter Jon Hill joins the Pro Say podcast to explain the case. [Read full article »](#)

### **JOBS**

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#### **Patent Attorneys**

Greenblum & Bernstein, P.L.C.  
Reston, Virginia

#### **Patent Litigation Associate (Boston, MA Office)**

McCarter & English, LLP  
Boston, Massachusetts

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